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FROM AMBASSADOR BOLTON

E.O. 12958: DECL: 03/09/2015
TAGS: [AORC](#) [KUNR](#) [UNGA](#) [PHUM](#) [PREL](#) [UNGA](#)
SUBJECT: CONSIDERATION OF HRC POSTPONED TO MARCH 15;
ELIASSON WILLING TO CONSIDER MODIFICATIONS "OUTSIDE OF THE
TEXT" ONLY

REF: USUN 443 AND PREVIOUS

Classified By: AMBASSADOR JOHN BOLTON FOR REASONS 1.4(B) AND (D)

11. (C) SUMMARY: In response to a U.S. request, the UN Fifth Committee agreed March 9 to postpone decision scheduled that day on the budget to establish a Human Rights Council. General Assembly President (PGA) Eliasson also put off the GA plenary session scheduled for March 10. Both meetings are now likely to take place Wednesday, March 15. Eliasson wants to use the next days to discuss informally with the U.S. -- either directly or indirectly -- possible fixes outside the text only. End Summary.

12. (C) In response to a U.S. request to postpone any decision March 9 by the Fifth Committee regarding the budget for the proposed Human Rights Council (HRC) and a March 10 meeting to adopt the resolution establishing the HRC, both meetings are likely to be scheduled by the PGA for March 15. The decision to postpone was choreographed with Eliasson's Chief of Staff (Amb. Wide), South African Ambassador Kumalo (current G-77 Chair) and others. Ambassador Wolff made a statement in the formal Fifth Committee plenary session that further time was needed for consultations, as also requested by Ambassador Wide on behalf of the PGA, and that the U.S. would continue to be in touch with the Office of the PGA and other delegations as consultations continued. By postponing these meetings, the U.S. avoids the need this week to confront -- and to vote against -- an effort to adopt the HRC or its budgetary implications. While supporting the request, the G-77, EU and Mexico, who were the only others to speak, announced their support for the proposed HRC budget, and by extension, Eliasson's draft of HRC itself.

13. (C) In a subsequent conversation, Amb. Wide told Amb. Wolff that Eliasson would reschedule both the Fifth Committee and the GA Plenary on the HRC for Wednesday, March 15. In the meantime, according to Wide, Eliasson was prepared to "look at things only outside the text" with the U.S. directly, or indirectly through a small group comprising close collaborators with Eliasson on the HRC project (he specifically cited the PR's of Liechtenstein, Switzerland and Singapore). Asked whether there were any changes that Eliasson would consider inside the text, Wide responded that the PGA was "not willing to open up even small technical changes". Wide added that we could look informally at what could be done outside the text to help the U.S. He cited as examples an interpretative statement by the PGA on the review clause as well as specific commitments, like the EU's, by other states or groups of states undertaking not to vote for countries under Security Council sanctions in part for human rights reasons.

14. (C) In separate conversations with Amb. Wolff, other delegations, including the Swiss, Portuguese, French, Israeli, and British continue to argue also that changes in the text either on the voting threshold or exclusionary criteria would not be attainable. Some believe, however that small, technical changes, while still a long shot, might be feasible. They, too, are focusing on "outside" changes.

15. (C) Ambassador Bolton had an extended conversation with UK Ambassador Jones Parry, in which the latter said that there was no chance for the United States to reopen the text and get either of our two bottom lines: the two-thirds majority requirement for election to the proposed Council or the exclusion for countries under Security Council sanctions. He said that the United States could not simply "insist" on its bottom line, but had to find substitutes that would give us "at least some of what we want." He proposed, for example, that statements by the EU and others about not voting for countries under UNSC sanctions, combined with changes to OP 8 that would reinforce language requiring compliance with human rights standards, might suffice on our second point. He admitted, however, he had no ready substitute for the two-thirds point.

16. (C) Ambassador Bolton asked if there were any sentiment within the EU for reopening the draft text, since we had not uncovered any. Jones Parry replied, "It depends on how little you ask for. If you simply ask for your two points, no one will rally to it. If you ask for something less, then there's a chance EU governments would consider reopening the text." Ambassador Bolton pointed out that all EU Perm Reps with whom he had spoken, including those from France, Greece, Italy, Poland, and Slovakia, not to mention others very involved in the issue such as Switzerland and New Zealand, were afraid that opening the

text for any point, no matter how slight, would open Pandora's Box. Ambassador Bolton then asked if Jones Parry had detected any sentiment for reopening the text among the G-77, and Jones Parry said that he had not. Ambassador Bolton then asked if PGA President Eliasson was not also telling HMG, as he was telling the USG, that opening the text was not possible, and Jones Parry acknowledged that Eliasson was making the same point with them. Jones Parry also said that he believed that PGA Eliasson was under increasing pressure from G-77 countries, who were becoming increasingly impatient that the draft text had not been put to a vote.

17. (C) Comment: The above conversations suggest that Eliasson remains convinced opening the text to changes would lead to the unraveling of his HRC resolution. We continue to hear that others have threatened introducing deal-busting provisions for the rest of the membership. Eliasson's desire to get the HRC concluded as quickly as possible, and in a manner that does not put at risk his compromise package, underpin his disinclination to come in our direction even with minor changes in the text. Direct efforts with other delegations and groups would be required to achieve this. What we have been hearing consistently from the rest of the membership over the past two weeks is that they, too, don't want to risk losing the HRC as currently envisaged, even if it means the U.S. can't sign on.

BOLTON